

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ORDER
THE CITY CODE ENFORCEMENT OFFICER TO DEMOLISH 734 FIRST AVENUE W,
HENDERSONVILLE, NC**

IN RE: Robin P. Turbeville
734 1st Ave West
PIN: 9568-56-4745

WHEREAS, Robin P. Turbeville (hereinafter the “Owner”) is the owner of that real property located at 734 1st Ave West, and being more particularly described in that deed recorded in Deed Book 1652, Page 422, Henderson County registry (hereinafter the “Property”); and

WHEREAS, On April 5, 2022, pursuant to Chapter 12; Article II; Sections 12-31 through 12-38 of the Code of Ordinances of the City of Hendersonville (hereinafter called the “Code”), and G.S. 160D-1119, the Code Enforcement Officer of the City of Hendersonville (hereinafter called the “Code Enforcement Officer”) declared the structure located on the Property unsafe due to excessive fire damage and affixed a notice to the structure declaring the same; and

WHEREAS, after the Owner, failed to take prompt corrective action, the Code Enforcement Officer issued a Complaint and Notice of Hearing on the issue of condemnation; and

WHEREAS, the Code Enforcement Officer attempted to give the Owner notice by certified mail, and caused the Complaint and Notice of Hearing to be posted on the outside of the structure at least 10 days prior to the administrative hearing, and notice to be published in the Hendersonville Times-News at least one week prior to the administrative hearing; and

WHEREAS, on May 10, 2023, the Code Enforcement Officer held an administrative hearing at which neither the Owner nor anyone purporting to be her representative appeared; and

WHEREAS, following the administrative hearing, the Code Enforcement Officer issued an order finding that the condition of the structure located on the Property constitutes a safety hazard and renders it dangerous to life, health, or other property due to the damaged condition of the roof and walls and ordering the Owner to demolish the structure within 60 days; and

WHEREAS, the Owner of the premises, after having been given a reasonable opportunity to do so, has failed to comply with the lawful order of the Code Enforcement Officer to demolish the structure located on the premises within the time therein prescribed.

WHEREAS, pursuant to G.S. 160A-193, the City of Hendersonville has the authority to summarily abate any condition that is dangerous or prejudicial to the public health or public safety and to assess the cost of such abatement to the Owner as a lien against the Property; and

WHEREAS, the Code Enforcement Officer has requested the City Council of the City of Hendersonville to adopt an Ordinance ordering the Code Enforcement Officer to demolish the residential structure located on the Property.

WHEREAS, pursuant to Chapter 12; Article II; Sections 12-31 through 12-38 of the Code of Ordinances of the City of Hendersonville (hereinafter called the “Code”), the Code Enforcement Officer of the City of Hendersonville (hereinafter called the “Code Enforcement Officer”) has requested the City Council of the City of Hendersonville (hereinafter called “Council”) to adopt an Ordinance ordering the Code Enforcement Officer to demolish the residential building located on parcel # 9568-56-4745 which the Code Enforcement Officer has condemned pursuant to the authority established in North Carolina General Statutes 160D-1119, and;

WHEREAS, the Council hereby finds that the premises are especially dangerous to life, because of the property’s liability to fire and the damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing, under the provisions of Section 12-31 of the Code, and;

WHEREAS, the Council hereby finds that there has been compliance with all applicable provisions of Chapter 12; Article II; Sections 12-31 through 12-38 of the Code relative to the adoption of this ordinance, and;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to G.S. 160A-193, G.S. 160D-1125, and Chapter 12, Article II of the Code of Ordinances for the City of Hendersonville, The City Council hereby finds that the premises are especially dangerous to life, because of the property’s liability to fire and the damage to the roof and exterior walls of the structure.
2. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children.
3. The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing.
4. The Code Enforcement Officer shall cause the structure on the Property, commonly known as 734 1st Ave West, Hendersonville, North Carolina, to be vacated, closed, and demolished 30 days from the date of this Ordinance.
5. The cost of the removal or demolition shall be a lien on the Property, and on any other real property owned by the Owner located within the City’s planning and development regulation jurisdiction, pursuant to G.S. 160A-193, G.S. 160D-1125, and Sec. 12-37 of the Code of Ordinances for the City of Hendersonville.
- 6.

Adopted this 7th day of December 2023.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney